

**Alstate Process Service Inc.**

60 BURT DRIVE  
DEER PARK, NEW YORK 11729  
631/667-1800

UNITED STATES SOUTHERN DISTRICT COURT

COUNTY OF NEW YORK

INDEX NO.: 08 CV 03479

BRECKENRIDGE PHARMACEUTICAL, INC.

Plaintiff(s)

against

INTERPHARM HOLDINGS, INC., AND INTERPHARM, INC. Defendant(s)

**AFFIDAVIT  
OF  
SERVICE**

STATE OF NEW YORK, COUNTY OF SUFFOLK

ss.:

GERARD SCULLY

being duly sworn, deposes and says: that deponent is not a party

to this action, is over 18 years of age and resides in The State of New York

That on 04/21/08 9:32 AM at 85 ADAMS AVENUE, HAUPPAUGE, NY 11788

deponent served the within SUMMONS AND COMPLAINT bearing Index# 08 CV 03479 &amp; filing date 04/09/08

on

INTERPHARM HOLDINGS, INC.

defendant therein named,

INDIVIDUAL

☐

by delivering thereat a true copy of each to said defendant personally; deponent knew said person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

CORPORATION

☒

a DOMESTIC CORPORATION, by delivering thereat a true copy of each to SUZANNE SCHWARTZ  
personally; deponent knew said DOMESTIC CORPORATION so served to be the DOMESTIC CORPORATION described as the named  
defendant and knew said individual to be the OFFICE MANAGER thereof an authorized person to accept service of process

SUITABLE  
AGE PERSON☐

by delivering thereat a true copy of each to  
a person of suitable age and discretion. That person was also asked by deponent whether said premises was the defendant's  
and the reply was affirmative.

AFFIXING TO  
DOOR, ETC.☐

by affixing a true copy of each to the door of said premises, which is defendant's  
within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having verified  
defendant's with  
and having called there on

TAN AND RED BRICK BUILDING

MAILING

☐

On deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant's

and deposited said wrapper in a post office of the United States Postal Service within New York State.

DESCRIPTION

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

| Sex    | Skin Color | Hair Color | Age (Approx.) | Height (Approx.) | Weight (Approx.) |
|--------|------------|------------|---------------|------------------|------------------|
| FEMALE | WHITE      | BROWN      | 45            | 5' 7             | 130              |

USE IN  
NYC CIVIL CT.☐

Other identifying features:

The language required by NYCRR 2900.2(e), (f) &amp; (h) was set forth on the face of said summons(es).

MILITARY  
SERVICE☐

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply.

The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or Federal statutes.

SWORN TO BEFORE ME ON 4-23-08

GERARD SCULLY

LICENSE NO. 1007503

THERESE M. BRENNAN  
Notary Public, State of New York  
No. 01BR5078017  
Qualified in Suffolk County  
Commission Expires May 19, 2011